



Atty. Dkt. No. 085874-0381

RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andreas BUOS *et al.*
Title: LOUDSPEAKER DRIVER
Appl. No.: 09/986,115
Appl. Filing Date: 11/7/2001
Examiner: Phylesha Larvinia Dabney
Art Unit: 2614
Confirmation No.: 4653

**REQUEST FOR
CONTINUED EXAMINATION**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a Request for Continued Examination (RCE) of the above-identified application, under 37 C.F.R. §1.114.

TIMING

The application is pending and was allowed on September 19, 2007, but the issue fee but has not been paid. Accordingly, this RCE is timely under 37 C.F.R. §1.114(a)(1).

SUBMISSION

Applicant respectfully requests that the enclosed Supplemental Information Disclosure Statement ("Supplemental IDS"), *or* the Information Disclosure Statement filed September 6, 2007 ("Previous IDS"), *or both together*, be considered as the submission required by 37 C.F.R. §1.114(a). An explanation follows.

12/19/2007 JADD01 00000014 09986115
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EXPLANATION

The Previous IDS, which was filed with an Amendment responsive to the *final* rejection of June 6, 2007, cited four published Japanese patent documents, which were reported to the undersigned as having been cited in an Office Action in Applicant's counterpart Japanese application. The Previous IDS contained the following statement about the timing of the disclosure:

The undersigned hereby states, in accordance with 37 C.F.R. §1.97(e)(1), that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

The undersigned was led to believe then that the statement was accurate, but subsequently learned, after this application had been allowed, that the Japanese Office Action citing these documents in fact was dated more than three months prior to the filing of the Previous IDS. This new information made it clear that the Previous IDS should not have contained this statement, and should have been filed with an RCE because the application was under final rejection. See 37 C.F.R. §§1.97(d) and 1.114(b), (c). Because of this technical defect, the documents submitted with the Previous IDS were not really eligible for consideration then.

This RCE and the enclosed Supplemental IDS cure the noted defect by:

- correcting the record concerning the timing of the disclosure in relation to the first citation of the documents by a foreign patent office, and
- providing the RCE required to enable the Examiner's proper consideration of the documents identified in and submitted with the Previous IDS, and identified again in the Supplemental IDS.

It is respectfully submitted that the Previous IDS, or the Supplemental IDS, or both taken together, comprise a proper "submission" under 37 C.F.R. §1.114 and MPEP §706.07(h)II, so as to operate to withdraw the Notice of Allowance and reopen prosecution. The fact that the Previous IDS was filed several months ago does not preclude it from being part of a proper submission in support of this RCE, in the same way that an after-final amendment or argument, even if already considered, can be a proper submission for a later-filed RCE. See MPEP §706.07(h)II. In the circumstances, therefore, Applicant respectfully requests that:

- the Notice of Allowance be withdrawn, and prosecution be reopened,
- the four Japanese patent documents, which are cited anew in the Supplemental IDS, be considered anew, and that such consideration be initialed on the new Form PTO/SB/08 attached to the Supplemental IDS; and
- a new Notice of Allowance be mailed.

FILING FEE

The filing fee is calculated below. A credit card payment form in the amount of \$810.00 to cover the filing fee is enclosed.

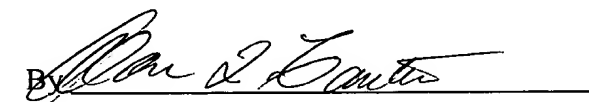
	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$810.00	= \$810.00
Total Claims:	33	- 45	= 0	x \$50.00	= \$0.00
Independents	3	- 3	= 0	x \$210.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$370.00	= \$0.00
CLAIMS FEE TOTAL:					= \$810.00

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney at the address indicated below.

Respectfully submitted,

Date December 18, 2007
 FOLEY & LARDNER LLP
 Customer Number: 22428
 Telephone: (202) 672-5570
 Facsimile: (202) 672-5399

BY 
 Alan I. Cantor
 Attorney for Applicants
 Registration No. 28,163